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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

United States of America,

Plaintiff,
vs.

Stephen Silverman,
Defendant.

) Case No. 18-CR-533-RS

) **STIPULATION AND ORDER**
) **REGARDING CONTINUANCE OF**
) **TRIAL, PRETRIAL DEADLINES, AND**
) **INDEPENDENT MEDICAL**
) **EXAMINATION**

Based upon the Court's conclusion that trial is continued to July 17, 2023, in this matter and based upon the Court's findings and instructions at the hearing held on February 14, 2023, the United States of America, through Joseph Tartakovsky, Assistant United States Attorney, and the defendant, Stephen Silverman, through his counsel, hereby stipulate to the following attendant pretrial deadlines and independent medical examination of Mr. Silverman (if appropriate as set forth below).

June 28, 2023: Pretrial Conference

June 23, 2023: Jury voir dire, proposed jury instructions, proposed verdict form due

June 23, 2023: Oppositions to Motions in Limine due

June 16, 2023: Parties to exchange copies of exhibits, summaries, et al.

June 16, 2023: Motions in Limine due

June 16, 2023: Joint Pretrial Statement and Proposed Order due

Additionally, based upon the Court's conclusions and instructions, the parties propose that, if Mr. Silverman believes his health has not improved or that it has otherwise deteriorated such that the defense is considering seeking further continuance of the trial date based upon Mr. Silverman's physical condition, the defense shall notify the Government by May 15, 2023, of the potential request to continue. The notice shall include the basis for the continuance contemplated by the defense. Thereafter, if requested by the Government, Mr. Silverman shall submit to and cooperate with an independent medical evaluation in the Central District of California, to be arranged by the Government. In addition to any physical examination, Mr. Silverman hereby consents to the disclosure of his medical records, test results, and similar health information to the Government and independent examiner for the purpose of facilitating the independent medical examination. The Government will otherwise preserve Mr. Silverman's health information as confidential.

Time is currently excluded under the Speedy Trial Act through March 24, 2023. The parties agree that further time is appropriately excluded under the Speedy Trial Act through the new trial date of July 17, 2023, to determine the physical capacity of the defendant to stand trial pursuant to 18 U.S.C. § 3161(h)(1)(A), and in the interests of justice, 18 U.S.C. § 3161(h)(7).

IT IS SO STIPULATED.

Dated: February 17, 2023

/s/ Marcus S. Bourassa
MARCUS S. BOURASSA
Counsel for Stephen Silverman

Dated: February 17, 2023

/s/ Joseph Tartakovsky
JOSEPH TARTAKOVSKY
Assistant United States Attorney

ORDER

Upon stipulation of the parties and for good cause shown, the Court sets the following pretrial deadlines:

June 28, 2023: Pretrial Conference

June 23, 2023: Jury voir dire, proposed jury instructions, proposed verdict form due

June 23, 2023: Oppositions to Motions in Limine due

June 16, 2023: Parties to exchange copies of exhibits, summaries, et al.

June 16, 2023: Motions in Limine due

June 16, 2023: Joint Pretrial Statement and Proposed Order due

On or before May 15, 2023, the defense shall provide notice to the Government if is considering seeking further continuance of the trial date based upon Mr. Silverman's physical health. The notice shall include the basis for the continuance contemplated by the defense. Thereafter, if requested by the Government, Mr. Silverman shall submit to and cooperate with an independent medical evaluation in the Central District of California, to be arranged by the Government at Government expense. In addition to any physical examination, Mr. Silverman shall permit disclosure of his medical records, test results, and similar health information to the Government and independent examiner for the purpose of facilitating the independent medical examination. The Government shall preserve Mr. Silverman's health information as confidential and shall not disclose it except to medical professionals in connection with the independent evaluation.

Based upon the facts set forth in the stipulation of the parties and for good cause shown, the Court finds that time is appropriately excluded from March 24, 2023 through July 17, 2023, to determine the physical capacity of the defendant to stand trial pursuant to 18 U.S.C. § 3161(h)(1)(A), and in the interests of justice, 18 U.S.C. § 3161(h)(7). The Court further finds that the ends of justice served by excluding the time from March 24, 2023, to July 17, 2023, from

1 computation under the Speedy Trial Act outweigh the best interests of the public and the
2 defendant in a speedy trial. Therefore, and with the consent of the parties, IT IS HEREBY
3 ORDERED that the time from March 24, 2023 through July 17, 2023 shall be excluded from
4 computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7).

5 IT IS SO ORDERED.

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7 DATED: February 17, 2023

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9 HON. RICHARD SEEBORG
10 United States District Judge
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